Exhibit 2

SOUTHERN ENVIRONMENTAL LAW CENTER

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April 8, 2022

Via Certified Mail; Return Receipt Requested

John F. Lee Niedrach
Registered Agent
Mount Vernon Mills, Inc.
111 Bridgepoint Plaza, Suite 300
Rome, GA 30161

Mr. Bill Sabo
Plant Manager
Mount Vernon Mills, Inc.
91 Fourth St., P.O. Box 7
Trion, GA 30753

Re: Notice of intent to sue Mount Vernon Mills, Inc. over PFAS discharges and contamination in violation of the Clean Water Act and the Resource Conservation and Recovery Act at and from the Trion Water Pollution Control Plant

Dear Mr. Niedrach, and Mr. Sabo:

On behalf of Coosa River Basin Initiative ("CRBI"), this letter serves as notice of its intent to commence a legal action in United States District Court against Mount Vernon Mills, Inc. ("Mount Vernon"), owner and operator of the textile mill and related industrial operations located in Trion, Georgia ("Trion Mill") for ongoing violations of the Clean Water Act and the Resource Conservation and Recovery Act arising from illegal discharges of per- and polyfluroalkyl substances ("PFAS") into the Trion, Georgia Water Pollution Control Plant ("WPCP").

Unless the violations described below are fully redressed, CRBI will file suit under the citizen suit provisions of the Clean Water Act, 33 U.S.C. § 1365 and 40 C.F.R. §§ 135.1 to 135.5, and the Resource Conservation and Recovery Act (or "RCRA"), 42 U.S.C. § 6972(b)(2)(A) and 40 C.F.R. § 254, after applicable notice periods have expired. CRBI will seek injunctive relief, appropriate monetary penalties, fees and costs of litigation, and such other relief as the court deems appropriate to address and correct the ongoing violations described below.

I. Summary of Violations

Northwest Georgia has a problem with PFAS contamination. Home to one of the most biologically diverse river basins in North America, the Coosa River Basin serves as the drinking water source for numerous Georgia and Alabama communities, and is home to a vibrant recreation, tourism and fishing destination at Weiss Lake, Alabama, a waterbody fed in part by the Chattooga River. Mount Vernon Mills and the Trion WPCP are responsible for PFAS contamination in the Chattooga River watershed. In an abuse of the pretreatment program, the Mill, a textile producer, has violated laws intended to safeguard water quality by sending its PFAS wastestream to the Trion WPCP, which is incapable of removing or destroying it before contaminating the surrounding watershed.

Trion's WPCP is dominated by the Mill's industrial wastewater, most of the WPCP's wastewater operations devoted to servicing the Mill's PFAS-laden waste. But rather than remove

that pollution via pretreatment before it is discharged to the WPCP, the Mill discharges PFAS to the Trion WPCP where it contaminates sludge that has been land applied throughout the Chattooga River watershed. Consequently, PFAS continue to discharge to the River's tributaries, contaminating the River and downstream waters. The Mill's PFAS contamination is also responsible for the WPCP's PFAS effluent discharges via Outfall 001 to the Chattooga River. These activities are unlawful.

A. The Mill's Violations of the Clean Water Act and state and local law

Mount Vernon Mills is in violation of the national pretreatment standards under Section 307 of the Clean Water Act, 33 U.S.C. §§ 1317(b) and (d); 40 C.F.R. § 403.5(a)(1), its Industrial User Permit, and state and local law, because it is discharging PFAS to the Trion WPCP, which in turn are discharged from the WPCP's effluent to the Chattooga River via Outfall 001. Despite knowledge concerning its use of PFAS in its textile production process and discharge of these pollutants to the Trion WPCP, the Mill has imposed no PFAS treatment processes, technology, or other controls in its pretreatment process to remove or destroy these pollutants before they discharge to the Trion WPCP. In turn, the Mills' PFAS discharges have been and continues to be the cause of direct PFAS discharges from the WPCP to the Chattooga River via Outfall 001.

The Mills' PFAS discharges to the WPCP entail prohibited Pass Through and Interference with the WPCP's wastewater treatment operations, which will continue unless the PFAS that the WPCP is receiving from Mount Vernon Mills no longer contains these chemical and industrial wastes, or adequate pollution control technology is installed at the pretreatment stage to remove them before they are discharged from the WPCP's Outfall 001 effluent to the Chattooga River.

B. The Mill's RCRA Violations

By discharging PFAS to the Trion WPCP, the Mill has contaminated biosolids sludge generated by the WPCP, which has been land applied on properties throughout the Chattooga River watershed, and which is continuing to pollute the watershed with PFAS. Mount Vernon Mills is in violation of 42 U.S.C. § 6972(a)(1)(B) of the Resource Conservation and Recovery Act ("RCRA"), because it has and is contributing to biosolids/sludge waste handling, storage, treatment, transportation and land disposal from the Trion WPCP in a manner that may present an imminent and substantial endangerment to health or the environment.

C. Civil enforcement demand

Mount Vernon Mills must take immediate steps to redress these violations, including, but not limited to:

- Ceasing and preventing the discharge of PFAS from the Trion Mill by:
    i. Installing treatment technology at the Mill in its pretreatment process that effectively treats (removing, and/or destroying) all PFAS pollution before it discharges to the Trion WPCP, ceasing Pass Through and Interference with the Trion treatment works, while properly disclosing to Trion its use and handling of PFAS; and

ii. Monitoring its wastewater discharges to the Trion WPCP to verify and report that PFAS are no longer discharging to the WPCP.

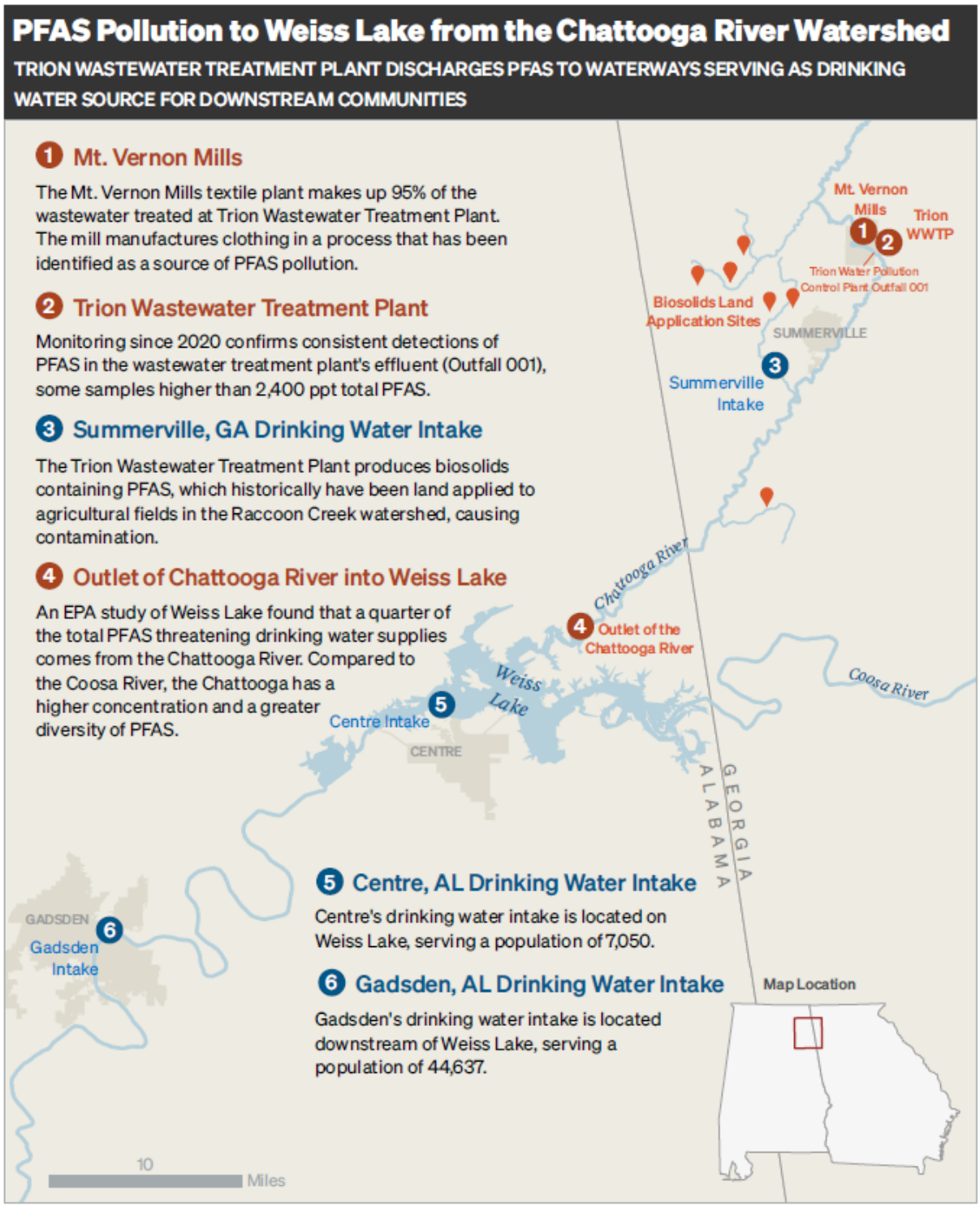
- Ceasing the handling, storage, treatment, transportation or disposal of PFAS from biosolids land application sites in the Chattooga River watershed, including along its tributaries, Teloga Creek, Racoon Creek, and/or Hinton Creek in a manner which may present an imminent and substantial endangerment to health or the environment.

II. Background

Both the Trion Mill and the Trion WPCP are situated next to the Chattooga River in northwest Georgia, which entails one of the two main tributaries of Weiss Lake, Alabama. (*See* Location 1 and Location 2, Fig. 1 *infra*).

[see next page]

Fig. 1


PFAS Pollution to Weiss Lake from the Chattooga River Watershed
TRION WASTEWATER TREATMENT PLANT DISCHARGES PFAS TO WATERWAYS SERVING AS DRINKING WATER SOURCE FOR DOWNSTREAM COMMUNITIES
1 Mt. Vernon Mills
The Mt. Vernon Mills textile plant makes up 95% of the wastewater treated at Trion Wastewater Treatment Plant. The mill manufactures clothing in a process that has been identified as a source of PFAS pollution.
2 Trion Wastewater Treatment Plant
Monitoring since 2020 confirms consistent detections of PFAS in the wastewater treatment plant's effluent (Outfall 001), some samples higher than 2,400 ppt total PFAS.
3 Summerville, GA Drinking Water Intake
The Trion Wastewater Treatment Plant produces biosolids containing PFAS, which historically have been land applied to agricultural fields in the Raccoon Creek watershed, causing contamination.
4 Outlet of Chattooga River into Weiss Lake
An EPA study of Weiss Lake found that a quarter of the total PFAS threatening drinking water supplies comes from the Chattooga River. Compared to the Coosa River, the Chattooga has a higher concentration and a greater diversity of PFAS.
5 Centre, AL Drinking Water Intake
Centre's drinking water intake is located on Weiss Lake, serving a population of 7,050.
6 Gadsden, AL Drinking Water Intake
Gadsden's drinking water intake is located downstream of Weiss Lake, serving a population of 44,637.
Mt. Vernon Mills
Trion WWTP
Trion Water Pollution Control Plant Outfall 001
Biosolids Land Application Sites
SUMMERVILLE
Summerville Intake
Chattooga River
Outlet of the Chattooga River
Weiss Lake
Coosa River
Centre Intake
CENTRE
GEORGIA
ALABAMA
GADSDEN
Gadsden Intake
Map Location
10
Miles
Map by: Libbie Weimer (lweimer@selcnc.org)
Last updated: March 31, 2022
Sources: EPA, SELC, USGS, US Census Bureau
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The headwaters of the Chattooga River begin in Walker County, north of Lafayette Georgia. The River flows southwest across the Alabama-Georgia state line to Weiss Lake near Gainesville, Alabama. Weiss Lake occupies about 30,200 acres and is fed by the Chattooga River and Coosa River from Georgia. Boasting nearly 450 miles of shoreline, shallow flats, large coves, underwater drop-offs and scenic beauty, the Lake is a priceless natural resource and economic driver for the surrounding community. Weiss Lake contains numerous fish species, including crappie, largemouth bass, and striped bass, some of which can be fished year-round. The Lake is known as the "Crappie Capitol of the World," [1] with anglers consuming their catch regularly. Numerous privately-owned hotels, marinas, campgrounds, and bait and tackle stores are situated near the shores of Weiss Lake, with approximately half a million annual visitors, generating more than $36 million in wages and over 4,000 jobs in the surrounding region. [2] It is estimated that the annual economic impact from tourism, fishing, and boating average approximately a quarter of a billion dollars for the region, while the value to those who reside or recreate near Weiss Lake is incalculable. [3]

The city of Centre, Alabama is situated on Weiss Lake, where its public drinking water intake is located. (Location 5, Fig. 1 *supra*). The city of Gadsden, Alabama draws its drinking water from the Coosa River southwest of Weiss Lake. (*Id.* at Location 6).

A. Trion's Water Pollution Control Plant.

Trion's WPCP is designed to treat domestic waste. The WPCP uses an activated sludge biological treatment process to treat this wastestream, which is the treatment method prescribed by Trion's National Pollutant Discharge Elimination System ("NPDES") Permit. Trion's conventional treatment process "consists of screening, pH control, chemical addition for phosphorus removal, biological treatment (activated sludge), secondary clarification, and ozone disinfection (chlorine chamber is used as a back up disinfection system)" whereby "Treated effluent is discharged to the Chattooga River" via Outfall 001. [4]

Discharges from the Trion WPCP are governed by NPDES Permit No. GA0025607 issued by the Environmental Protection Division of the Georgia Department of Natural Resources ("EPD"). Trion's current NPDES Permit is effective on or about February 11, 2019, issued by the EPD based on a renewal permit application submitted in March 2018 ("Trion 2018 NPDES Application"). Domestic waste constitutes approximately *six percent* of the wastewater treated by the Trion WPCP. Although the WPCP is designed to treat domestic waste, the vast majority of the waste that passes through the WPCP – *ninety-four percent* of the WPCP's

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[1] *See, e.g.,* Frank Sargeant, "Prime Time for Weiss Lake crappie," The Huntsville Times (Dec. 2, 2012), *available at* https://www.al.com/sports/2012/12/prime_time_for_weiss_lake_crap.html (*accessed* March 6, 2022) (Attachment 1 hereto).

[2] *See* Welcome to Weiss Lake Improvement Association!, *available at* https://weisslakeimprovementassociation.org/ (*accessed* March 6, 2022) (Attachment 2 hereto).

[3] *See id.*

[4] *E.g.,* Trion WPCP, NPDES Permit No. GA0025607, Fact Sheet at p. 2 of 20 (Sept. 2018).

process volume – is "industrial waste" from Mount Vernon Mills, a large textile manufacturer. [5] The industrial process at Mount Vernon Mills consists of spinning, weaving, dyeing, bleaching, and flame retardant production of denim fabric, generating about 3,230,000 gallons per day (gpd) of process wastewater and about 220,000 gpd of non-process wastewater sent to the Trion WPCP for treatment. [6]

The WPCP's Outfall 001 effluent characteristics reported by Trion in its NPDES permit application make no mention of PFAS or any PFAS compound. [7] Nevertheless, the wastewater discharged from the Mill to the WPCP is contaminated with PFAS, and both Trion and the Mill are aware of this fact. Trion WPCP staff were informed by at least July 2020 that Mount Vernon Mills was discharging PFAS to Trion's treatment works. In a July 13, 2020 email from Ron Beegle of Mount Vernon Mills to Andy Melton at the Trion WPCP, the Mill confirms PFAS discharges:

> Again, this data supports my belief that the primary fluorochemicals that we're using today are based on short chain eA and xA. Still uncertain, though, why the effluent continues to be higher than the influent on the PFOA and [primarily the] PFOS….[8]

Despite this knowledge concerning the receipt and handling of these dangerous industrial toxins by a treatment works that is wholly unequipped to remove it, and despite the Mill's domination of the wastewater treatment operations at the Trion WPCP, neither the Mill nor Trion have upgraded their waste handling or treatment processes to cease their PFAS contamination.

Trion administers a pretreatment program for Industrial Users such as Mount Vernon Mills, and Trion is therefore required to properly implement federal and state industrial pretreatment standards and requirements on Mount Vernon Mills. *E.g.,* 40 C.F.R. §§ 403.5(a)(1), (c)(1), (c)(2). For its part, the Mill must comply with the pretreatment standards and requirements directly imposed on it. 33 U.S.C. §§ 1317(b), (d); 40 C.F.R. § 403.5(a)(1). These requirements are intended to ensure that pollutants do not enter covered waters, unless they are authorized by law. Mount Vernon Mills has failed to comply with these pretreatment requirements, and its violations are continuing.

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[5] Town of Trion Water Pollution Control Plant Process Description (Attachment 3).

[6] Trion 2018 NPDES Application, EPA Form 3510-2A (Rev. 1-99) p. 18 of 21, Supplemental Application Information, Significant Industrial User Information.

[7] Trion NPDES Permit Fact Sheet at p. 2 of 20.

[8] July 13, 2020 email from R. Beegle, Corporate Director of Environmental Affairs, Mount Vernon Mills, to A. Melton, Superintendent, Town of Trion WPCP, *Re: Town of Trion WPCP PFAS Results* (Attachment 4 hereto) (brackets in original). The references to "eA" and "xA" are better understood as shorthand references to PFPeA and PFHxA, each of which are PFAS compounds reported in the Trion WPCP's sampling of effluent discharges to the Chattooga River, and in the Mills' discharges to the WPCP. *See* discussion, *infra* pp. 9–11 and Notes 18–20.

B. Mount Vernon Mills discharges PFAS to the Trion WPCP, which generates PFAS contaminated sludge and discharges PFAS via Outfall 001, polluting the Chattooga River and Weiss Lake.

1. The Mill's and Trion's PFAS discharges to the Chattooga River.

As a result of their waste handling, treatment, transport, and disposal activities, Trion and Mount Vernon Mills are contaminating the Chattooga River watershed with PFAS. Indeed, Trion's conventional wastewater treatment process *increases* PFAS concentrations, rather than removing it before contaminating the environment. [9] Trion's own data bears out this phenomenon, where a Mount Vernon Mills representative admitted that "effluent [PFAS] continues to be higher than the influent…" at the WPCP's discharge outfall. [10]

The Mill's PFAS contamination is widespread and pervasive. Following extensive data collection and analysis of the region from 2018 to 2020, the Environmental Protection Agency confirmed high concentrations of PFAS in both surface waters and sediments "in watersheds with active biosolids land application sites…" draining to the Chattooga River, including Raccoon Creek, Teloga Creek, and Hinton Creek. [11] These pollutant discharges have contaminated downstream drinking water sources. Sampling of Summerville's finished drinking water in 2013 to 2015 reported PFOA and PFOS contamination while its surface water intake on Racoon Creek was located downstream from Trion's WPCP sludge disposal operations, conveying the Mills' PFAS pollutant discharges to the WPCP. [12]

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[9] Melissa M. Schultz, *et al.*, *Fluorochemical mass flows in a municipal wastewater treatment facility,* 40 Environmental Sci. & Tech. 7350–57 (December 1, 2006) (Attachment 5 hereto), *available at* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2556954/ (*accessed* March 29, 2022); July 13, 2020 email from Elizabeth Booth, Georgia Department of Natural Resources, to Anna Truszczynski, Lewis Hayes, James Capp, Georgia Department of Natural Resources re "Town of Trion 6-22-20 PFAS Results" (Attachment 6 hereto) (noting based on Trion WPCP influent and effluent data reported for June 2020, that "PFOAs are higher in the effluent than influent" and reply from Anna Truszczynski, "Yes. Consistent with a number of studies on [Wastewater Treatment Plants].").

[10] *See* e.g., *supra* Note 8 (Attachment 4 hereto); *see also* EPD July 2020 email exchange re Trion WPCP influent/effluent PFAS sampling, *supra* Note 9 (Attachment 6 hereto).

[11] EPA, LSASD Project ID: 20-0018, CHARACTERIZATION OF AMBIENT PFAS IN THE CHATTOOGA RIVER WATERSHED – FINAL REPORT (Jan. 22, 2020) (hereinafter "**EPA 2020 Chattooga PFAS Report**") at pp. 14-15, 18 (Table1), 25 (Figure 1), 27-28 (Figure 2; Figure 3) (Attachment 7 hereto); *see also* April 13, 2020 Consent Order No. EPD-WP-8894 among Town of Trion, Georgia and Richard E. Dunn, Director of the Environmental Protection Division, Georgia Department of Natural Resources at pp. 3-4, 6-7 (hereinafter "**Trion 2020 Consent Order**") (Attachment 8 hereto).

[12] Trion 2020 Consent Order at pp. 3-5; *see* EPA, Unregulated Contaminants Monitoring Rule 3 ("UCMR3") (2013-2015) Occurrence Data, UCMR3 Data Summary, *available at* https://www.epa.gov/dwucmr/data-summary-third-unregulated-contaminant-monitoring-rule (*accessed* March 29, 2022) (Attachment 9 hereto); Instructions for Importing and Viewing

Trion has been disposing of sludge at these sites for years contaminated with the Mill's PFAS, illegally discharging PFAS to Teloga Creek, Raccoon Creek, and Hinton Creek. Surface water samples collected by EPA the week of November 4, 2019 downstream of the Trion WPCP's "active biosolids land application" in Hinton Creek, Raccoon Creek, and Teloga Creek all reported PFAS contamination. [13] Subsequently, on January 23, 2020, EPA and Georgia EPD "took water samples from Racoon Creek at the water intake for the City of Summerville's Raccoon Creek drinking water treatment plant, and the City of Summerville's Goodwin Hill Tank;…" and the results reported on January 30, 2020 confirmed elevated levels of PFAS contamination at each sampling location. [14] Consequently, the sampling data reported for November 2019 and January 2020 represents dates of Mount Vernon Mills' violations of RCRA, arising from illegal discharges of PFAS to Raccoon Creek, Hinton, Creek, and/or Teloga Creek that likely occurred prior to the week of November 4, 2019 (Raccoon Creek, Hinton Creek, and Teloga Creek) and prior to January 23, 2020 (Teloga Creek), which discharges and contamination are continuing. The Mill caused this PFAS contamination because of its discharges of these pollutants to the Trion WPCP, which in turn contaminated the sludge generated by the WPCP subsequently transported to and disposed on fields in these creek watersheds.

Similar to Summerville's drinking water contamination, the Alabama cities of Gadsden and Centre have reported PFAS contamination at their drinking water intakes, and they too are situated downstream of the Mill's and Trion's PFAS discharges and sludge disposal contamination. [15]

UCMR3 Results, *available at* https://www.epa.gov/dwucmr/instructions-using-microsoft-excel-import-third-unregulated-contaminant-monitoring-rule-ucmr (*accessed* March 29, 2022) (Attachment 10 hereto); UCMR3 Occurrence Data By State (January 2017) (*available at* https://www.epa.gov/sites/default/files/2017-02/ucmr-3-occurrence-data-by-state.zip) (*accessed* March 29, 2022) (Attachment 11 hereto); UCMR3 Occurrence Data by Method Classification, *available at* https://www.epa.gov/sites/default/files/2017-02/ucmr-3-occurrence-data-by-method-classification.zip (*accessed* March 29, 2022) (Attachment 12 hereto); EPA, National Contaminant Occurrence Database ("NCOD"), *available at* https://www.epa.gov/sdwa/national-contaminant-occurrence-database-ncod (*accessed* March 7, 2022) (Attachment 13 hereto).

[13] EPA 2020 Chattooga PFAS Report at pp. 8, 18 (Table 1) (surface sample locations HIC01, RAC01, and TEC01) 20 (Table 5) (PFAS data corresponding to surface water sample collection locations).

[14] Trion 2020 Consent Order at pp. 3-4.

[15] *See* EPA 2020 Chattooga PFAS Report at pp. 8, 18 (Table 1) (identifying Trion's sludge disposal sites contaminating Hinton Creek, Racoon Creek, Teloga Creek and the Chattooga River with PFAS); *see also* EPA, LSASD Project ID: 19-0253 FINAL REPORT – PHASE 2: PRIORITIZATION OF PFAS CONTRIBUTIONS TO WEISS LAKE (Sept. 10, 2019) (hereinafter "**EPA 2019 Weiss Lake PFAS Report**") at pp. 7, 14, 17, 35-36 (Figure 1, Figure 2) (identifying Centre and Gadsten drinking water intakes relative to confirmed PFAS contamination

Additionally, the Trion WPCP discharges PFAS from Outfall 001 to the Chattooga. Sample results "immediately downstream of the discharge of the Trion WPCP to the Chattooga River on April 25, 2018 showed combined levels of PFOA and PFOS of 83 parts per trillion…" [16] Subsequently, EPA and EPD conducted sampling from Mount Vernon Mills' effluent discharge to the Trion WPCP, and the WPCP's effluent discharge to the Chattooga River on February 5, 2020, which confirmed "combined levels of PFOA and PFOS in the discharge at Outfall 001 "of 99 and 121 parts per trillion (2 samples) along with measurable concentrations of numerous other PFAS chemicals." [17] Consequently, the April 25, 2018 and February 2020 sampling data represents dates of Trion's and Mount Vernon Mills' violations of the Clean Water Act, arising from illegal discharges of PFAS to the Chattooga River occurring at least on those dates and likely prior to the dates that these pollutants were detected.

Trion WPCP PFAS effluent discharges via Outfall 001

Furthermore, Trion WPCP effluent sampling data collected from February 2020 to February 2021 reports PFAS pollutant discharges from Outfall 001 to the Chattooga River on the following dates: [18] *[see next page]*

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downstream of Trion's WPCP PFAS sludge disposal and discharge contamination of the Chattooga River, one of the main tributaries to Weiss Lake) (Attachment 14 hereto).

[16] Trion 2020 Consent Order at p. 3.

[17] Trion 2020 Consent Order at p. 4.

[18] *See* **(1)** Jason Collum, Memorandum February 20, 2020, EPA, Region 4 Laboratory Services and Applied Science Division, Project 20-0189, Trion Wastewater EPD PFAS, reporting samples collected February 5, 2020 (hereinafter "Trion PFAS Analytical Results Feb. 5, 2020") at p. 17 (Effluent Duplicate) (Attachment 15 hereto); **(2)** Pace Analytical, February 19, 2020 Report of Analysis, Town of Trion WPCP, Lot No. VB14013, reporting samples collected February 13, 2020 (hereinafter "Trion PFAS Analytical Results Feb. 13, 2020") at p. 6 (Effluent duplicate) (Attachment 16 hereto); **(3)** Enthalpy Analytical, LLC – Ultratrace, July 9, 2020 Analytical Report 0620-756, Town of Trion WWTP samples received 06/23/20, reporting samples collected June 22, 2020 (hereinafter "Trion PFAS Analytical Results June 22, 2020") at pp. 9-10 (Effluent) (Attachment 17 hereto); **(4)** Enthalpy Analytical, LLC – Ultratrace, August 24, 2020 Analytical Report 0820-703, Town of Trion WWTP samples received 08/05/20, reporting samples collected August 4, 2020 (hereinafter "Trion PFAS Analytical Results August 4, 2020") at p. 14 (Effluent) (Attachment 18 hereto); **(5)** Enthalpy Analytical, LLC – Ultratrace, October 29, 2020 Analytical Report 1020-725, Town of Trion WWTP samples received 10/13/20, reporting samples collected October 12, 2020 (hereinafter "Trion PFAS Analytical Results October 12, 2020") at pp. 12-13 (Effluent) (Attachment 19 hereto); **(6)** Enthalpy Analytical, LLC – Ultratrace, January 8, 2021 Analytical Report 1220-737, Town of Trion WWTP samples received 12/17/20, reporting samples collected December 16, 2020 (hereinafter "Trion PFAS Analytical Results December 16, 2020") at p. 12 (Effluent) (Attachment 20 hereto); and **(7)** Enthalpy Analytical, LLC – Ultratrace, March 11, 2021 Analytical Report 0221-759, Town of Trion WWTP samples received 02/25/21, reporting samples collected February 24, 2021

Table 1	
Discharge Date (Trion WPCP effluent Outfall 001)	**Total PFAS Concentration** [19] (in parts per trillion (ppt))
February 5, 2020	1,814 ppt
February 13, 2020	360 ppt (PFOA/PFOS only)
June 22, 2020	3,014 ppt
August 4, 2020	2,777 ppt
October 12, 2020	1,640 ppt
December 16, 2020	1,267 ppt
February 24, 2021	2,632 ppt

[see next page]

(hereinafter "Trion PFAS Analytical Results February 24, 2021") at pp. 11-12 (Effluent) (Attachment 21 hereto).

[19] PFAS concentrations correspond to analytical data reported without a "U" or other lab analytical data qualifier, rounded to nearest whole number; the actual reported total PFAS data in cited reports are higher when including data featuring qualifiers. Reported PFAS compounds include, but are not limited to, PFOA, PFOS, PFBA, PFBS, PFHpA, PFHxA, PFHxS, PFHpA, PFNA, PFDA, PFUnDA, PFPeA, PFPeS, PFHpS, PFNS, PFOSA, n-MeFOSAA, FBSA, PFPeA, PFHxA, 8:2 FTS, 6:2 FTS or some combination of the foregoing as detailed in the cited sample analytical reports.

PFAS influent discharges to the WPCP from Mount Vernon Mills

The WPCP is incapable of removing these pollutants through its conventional treatment process, and the WPCP continues to receive polluted influent discharged to it from Mount Vernon Mills. In seven sample collection events of the wastewater influent (*i.e.,* the wastewater entering the Trion WPCP from the Mill), PFAS was reported in *every* sample collection event from February 5, 2020 to February 24, 2021. Trion's WPCP influent sampling data reports: [20]

Table 2

Date (Influent discharged to WPCP from Mount Vernon Mills)	**Total PFAS Concentration** [21] (in parts per trillion (ppt))
February 5, 2020	435 ppt
February 13, 2020	290 ppt (PFOA/PFOS only)
June 22, 2020	1,131 ppt
August 4, 2020	1,549 ppt
October 12, 2020	511 ppt
December 16, 2020	464 ppt
February 24, 2021	703 ppt

The Mill's discharge to the WPCP of PFAS-contaminated industrial waste is continuing, as the Mill has failed to pretreat its wastewater to remove PFAS before it enters the WPCP. For its part, Trion has failed to properly administer its pretreatment program or enforce pretreatment requirements to cease this PFAS contamination before it enters the WPCP. These failures are causing PFAS to discharge to the Chattooga River via Outfall 001.

2. The Mill's and Trion's PFAS contamination of Weiss Lake, Alabama

The Mill's PFAS discharges to the Trion WPCP are a substantial cause of Weiss Lake's PFAS contamination. Based on its environmental investigation of the region, EPA concluded in 2019 that the Chattooga River "comprised roughly a quarter of the total PFAS input to Weiss Lake" despite "a flow 7 times lower than that of the Coosa River" which is also contaminating

[20] *See supra*, Note 18 at **(1)** Trion PFAS Analytical Results Feb. 5, 2020 at pp. 19-20 (WPCP Influent); **(2)** Trion PFAS Analytical Results Feb. 13, 2020 at pp. 8-9 (Influent); **(3)** Trion PFAS Analytical Results June 22, 2020 at p. 11 (Influent); **(4)** Trion PFAS Analytical Results August 4, 2020 at p. 15 (Influent); **(5)** Trion PFAS Analytical Results October 12, 2020 at p. 11 (Influent); **(6)** Trion PFAS Analytical Results December 16, 2020 at p. 11 (Influent); and **(7)** Trion PFAS Analytical Results February 24, 2021 at p. 10 (Influent).

[21] *See supra* Note 19.

the Lake with PFAS. [22] Notably, EPA observed that the Chattooga River PFAS contamination is responsible for "[t]he highest concentration of total PFASs and the most diverse composition" of PFAS compounds contaminating the Lake. [23] Overall, EPA concluded "that the Coosa and Chattooga Rivers are the most significant contributors of observed PFOA and PFOS concentrations to the receiving waters of Weiss Lake and associated public drinking water intakes in Centre City and Gadsden, Alabama." [24]

While they are a main cause of PFAS contamination in Weiss Lake, Trion and Mount Vernon Mills are *the* cause of PFAS contamination to the Chattooga River, which is in turn contaminating the Lake. EPA determined that *no* PFAS were detected in the headwaters of the Chattooga upstream of the Trion WPCP and the biosolids land application sites where Trion had been disposing PFAS-contaminated sludge. [25] Rather, EPA's sampling reported total PFAS at concentrations over *1,500* ppt on Racoon Creek downstream of where biosolids containing the Mill's PFAS from the Trion WPCP had been land applied for several years. [26] EPA's sampling of Teloga Creek, another Chattooga River tributary downstream of Trion's biosolids land application reported total PFAS of 5,840 ppt, with surface waters at Hinton Creek reporting total PFAS of 3,452 ppt downstream of Trion's sludge disposal in the watershed. [27] These biosolids contain PFAS from Mount Vernon Mill's textile production operations, discharged from the Mill to the Trion WPCP, contaminating the sludge generated by the WPCP's conventional treatment methods. (*See* EPA 2020 Chattooga PFAS Report, at p. 26 Figure 2 (biosolids land application

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[22] EPA 2019 Weiss Lake PFAS Report at p. 17 *supra* Note 15 (Attachment 14 hereto).

[23] *Id.*

[24] *Id.*

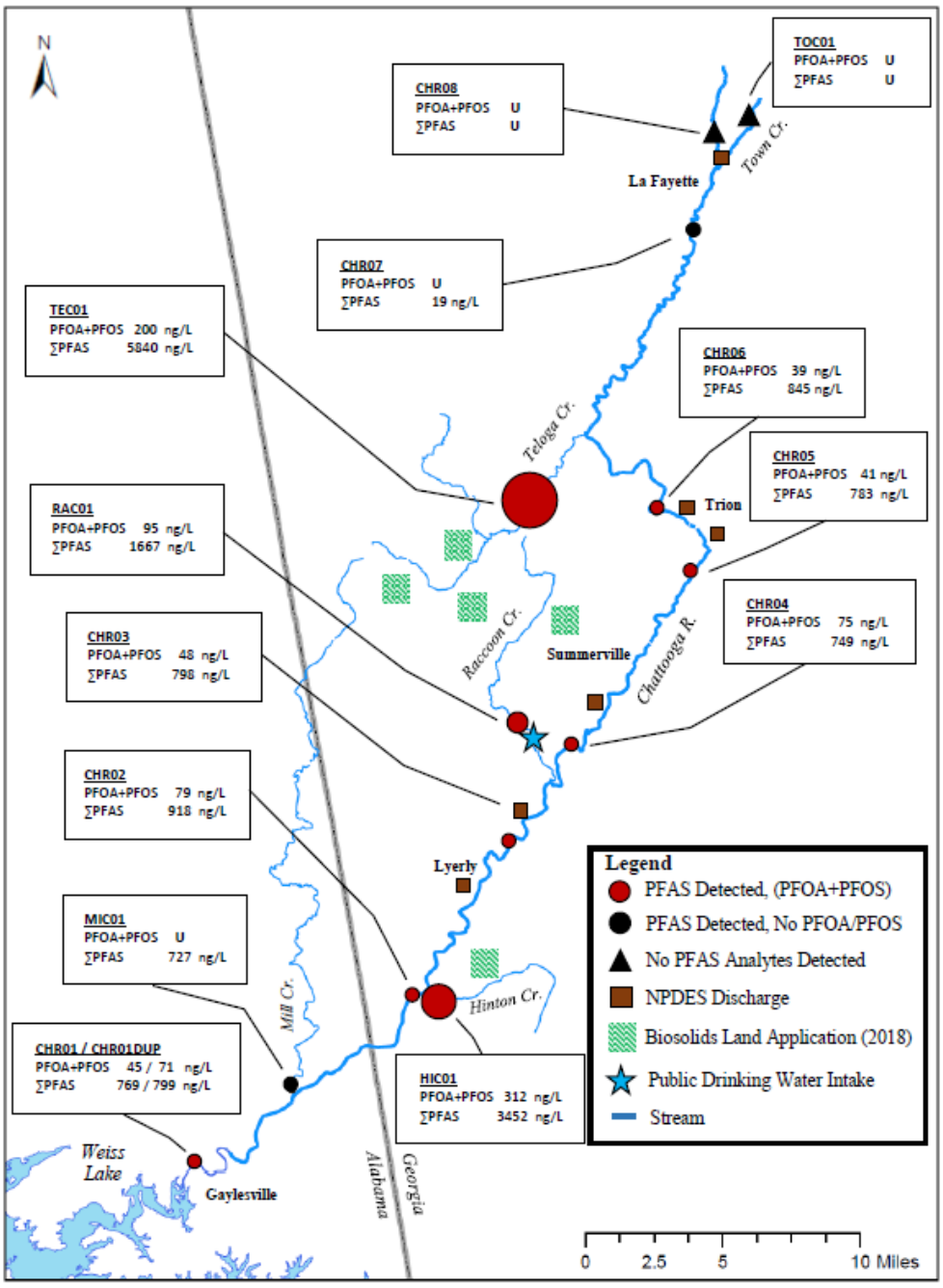
[25] *See* EPA 2020 Chattooga PFAS Report at p. 10, *supra* Note 11 (concluding that "No PFAS compounds were detected at or above the minimum reporting limit (MRL) in the samples collected from the headwaters of the Chattooga River" and that the "much higher [total] ΣPFAS concentrations" were detected from "watersheds with active biosolids land application…" As noted above, the Trion WPCP is the cause and contributor to this sludge disposal in the Chattooga watershed, with the Trion WPCP's direct effluent discharges of PFAS from NPDES Outfall 001 an additional point source discharge of PFAS to the Chattooga River).

[26] *See id.,* EPA 2020 Chattooga PFAS Report at pp. 9-10, 14-15, 26 Figure 2 (Surface Water Sample RAC01 reporting PFOA + PFOS at 95 ppt and total PFAS approximately 1,667 ppt at Raccoon Creek). *See also* Trion 2020 Consent Order at pp. 4-5 ("WHEREAS, the land application of biosolids by the [Town of Trion] from the Trion WPCP at multiple locations in the Raccoon Creek Watershed in Chattooga County is contributing to the levels of PFOA and PFOS in Raccoon Creek and consequently the finished drinking water from the City of Summerville's Raccoon Creek drinking water treatment plant; …")

[27] *See* EPA 2020 Chattooga PFAS Report at pp. 14-15, 26 (Figure 2, sample locations TEC01 (Teloga Creek surface sample location), HIC01 (Hinton Creek surface sample location)).

sites featured as green boxes, red dots depicting mass of PFAS detections in surface waters)):

Figure 2: Overview of PFAS in Surface Water



Concentrations of combined PFOA + PFOS and total PFAS are shown in the figure above. Station icons are scaled with respect to total PFAS.

C. Pollutants of Concern: PFAS are toxic and bioaccumulative, and persist in the environment and in our bodies

PFAS refer to a class of thousands of human-made chemicals that are used in various forms of manufacturing, including textile production and processing. [28] Mount Vernon Mills discharges PFAS as chemical wastes, and "industrial waste" [29] to the Trion WPCP, which are in turn discharged to the Chattooga River. PFAS contaminate the biosolids sludge generated by the Trion WPCP, which are and have been deposited as solid waste in the Chattooga River, along Teloga Creek, Hinton Creek, and Raccoon Creek. As such, PFAS are a "pollutant" under the Clean Water Act. 33 U.S.C. § 1362(6). To the extent PFAS or any PFAS compound identified herein or in attachments hereto are subsequently classified by statute or regulation as a Toxic or a Priority Pollutant under the Clean Water Act, CRBI adopts and incorporates such classification in this notice letter.

Once released into the environment, PFAS persist for years, are highly mobile, and can bioaccumulate in organisms including humans. Exposure to two of the most pervasive, often-studied PFAS, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), have been found to cause numerous adverse health impacts, including human developmental effects to fetuses and infants, kidney and testicular cancer, liver malfunction, hypothyroidism, high cholesterol, ulcerative colitis, lower birth weight and size, obesity, decreased immune response to vaccines, reduced hormone levels and delayed puberty. [30] Epidemiological studies suggest that many of these same human health impacts, among others, are associated with exposure to a litany of other PFAS.[31]

PFAS pose a health threat to drinking water supplies. The U.S. Agency for Toxic Substances and Disease Registry ("ATSDR"), a division of the U.S. Department of Health and

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[28] EPA, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, *available at* https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas (*accessed* March 30, 2022) (Attachment 22 hereto).

[29] *Supra* Note 5 (Attachment 3, Trion WPCP Process Description).

[30] Arlene Blum et al., *The Madrid Statement on Poly- and Perfluoroalkyl Substances (PFASs)*, 123 ENVTL. HEALTH PERSPECTIVES 5, at p. A 107 (2015) ("The Madrid Statement") (Attachment 23 hereto); EPA, *Fact Sheet: PFOA & PFOS Drinking Water Health Advisories*, p. 2 (Nov. 2016) *available at* https://www.epa.gov/sites/default/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf (*accessed* April 5, 2022) (Attachment 24 hereto); *see also* EPA, *supra* Note 28.

[31] *See, e.g.,* U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry ("ATSDR"), Toxicological Profile for Perfluoroalkyls, at pp. 4-7 (Section 1.2 Summary of Health Effects) (May 2021) (hereinafter "**ATSDR 2021 PFAS Toxicological Profile**"), *available at* https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf (*accessed* March 26, 2022) (Attachment 25 hereto). These toxicological profiles "reflects ATSDR's assessment of all relevant toxicologic testing and information that that been peer-reviewed through September 2018." *Id. at* Foreword; *see also* EPA, *supra* Note 28.

Human Services, [32] studied the toxicological literature and developed "minimal risk levels" (or "MRLs" – daily human exposure that is likely to be without risk of noncarcinogenic effects) for certain PFAS. [33] In its 2021 report, ATSDR set minimal risk level reference doses for humans of $3x10^{-6}$ mg/kg/day for PFOA; and $2x10^{-6}$ mg/kg/day for PFOS. Applying these 2021 minimal risk levels to calculate tapwater screening levels, the MRLs for PFOA is 11 ppt, and 7 ppt for PFOS – concentrations far below the concentrations reported in Teloga Creek, Hinton Creek, Racoon Creek, and the Chattooga River by EPA in 2020 (*See* Figure 2, *supra* [34]).

In addition to posing risks to public drinking water sources, PFAS can inflict lasting harms to the ecosystem. PFAS can cause damaging effects in fish, [35] amphibians, [36] mollusks, [37] and other aquatic invertebrates[38]—resulting in developmental and reproductive impacts, behavioral changes, adverse effects to livers, disruption to endocrine systems, and weakened immune systems. [39] These health risks are not limited to wildlife. Human consumption of PFAS-contaminated fish is a confirmed route of exposure, together with ingesting PFAS in drinking water, inhaling airborne PFAS in an occupational setting, and other means such as contact with consumer products and textiles treated with PFAS. [40] Once human exposure occurs, it can take years for certain PFAS to leave the body, while residence times (and toxicity) for other PFAS

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[32] ATSDR conducted this research and analysis as part of its statutory role in researching health effects of toxic substances under the Federal CERCLA (Superfund) environmental remediation statute, section 104(i), 42 U.S.C. § 9604(i).

[33] *See* ATSDR 2021 PFAS Toxicological Profile, *supra* Note 31 at p. 15.

[34] *See also supra* Note 11 (EPA 2020 Chattooga PFAS Report, at p. 26 (Figure 2), Attachment 7 hereto).

[35] *See, e.g.*, Haihua Huang et al., *Toxicity, Uptake Kinetics and Behavior Assessment in Zebrafish Embryos Following Exposure to Perfluorooctanesulphonicacid (PFOS)*, 98 AQUATIC TOXICOLOGY 139–147 (2010), *available at* https://perma.cc/YVQ6-7QXG (*accessed* March 29, 2022) (Attachment 26 hereto)

[36] *See, e.g.*, Gerald T. Ankley et al., *Partial Life-Cycle Toxicity and Bioconcentration Modeling of Perfluorooctanesulfonate in the Northern Leopard Frog (Rana Pipiens)*, 23 ENVIRON. TOXICOLOGY & CHEM. 2745–2755 (2004) (Attachment 27 hereto).

[37] *See, e.g.*, Changhui Liu et al., *Oxidative Toxicity of Perfluorinated Chemicals in Green Mussel and Bioaccumulation Factor Dependent Quantitative Structure-Activity Relationship*, 33 ENVIRON. TOXICOLOGY & CHEM. 2323–2332 (2014) (Attachment 28 hereto).

[38] *See, e.g.*, Guang-hua Lu et al., *Toxicity of Perfluorononanoic Acid and Perfluorooctane Sulfonate to Daphnia magna*, 8(1) WATER SCIENCE & ENGINEERING 40–48 (2015), *available at* https://perma.cc/SM6P-CKKH (Attachment 29 hereto)

[39] *See supra* Notes 28, 35-38.

[40] *See* EPA, *supra*, Note 28.

remain to be fully understood. [41] The Agency for Toxic Substances and Disease Registry has observed that "[h]igher exposure levels for individuals who reside in areas where substances such as PFOA contaminated both public and private water supplies have been documented[,]" warranting further study and biomonitoring. [42]

Indeed, the scientific literature to date indicates that many adverse health effects and troubling physical, chemical or biological impacts (such as affinity for certain organs or elements of our bodies, including blood) are attributable to human and/or animal exposure to numerous PFAS compounds. One of these PFAS compounds, **PFHxA**, has been found to be "as persistent as" PFOA and PFOS in the environment, "while being mobile in soil and groundwater" [43] – capable of contaminating the environment far beyond the original source of the discharge. The Mill and Trion WPCP discharge PFHxA, as detailed above. [44]

Exposure to a threshold concentration of **PFBA**, another Mill and Trion WPCP pollutant discharge, is capable of "induc[ing] increased thyroid and liver weight and cellular changes in both organs, changes in thyroid hormones, decreased cholesterol, and delayed development and decreased red blood cells and hemoglobin." [45]

The literature suggests that exposure to a threshold amount of **PFBS**, yet another compound reported in the Mount Vernon Mills discharge and Trion WPCP biosolids and wastewater effluent, can "result[] in lower body weight, delayed development and adverse female reproductive effects on offspring mothers as well as changes in thyroid hormone levels and cellular changes in kidneys." [46]

Over twenty distinct PFAS compounds have been confirmed in wastewater discharges from Mount Vernon Mills to the Trion WPCP, and from Trion's biosolids generated by the WPCP and its discharge effluent to the Chattooga River at Outfall 001, with numerous other PFAS likely also included in these wastestreams. (*See* discussion at pp. 9–11, *supra*). "Once adverse effects are identified, it will take decades, centuries, or even longer to reverse

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[41] *See, e.g.,* U.S. National Institute of Health ("NIH"), *Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), available at* https://www.niehs.nih.gov/health/topics/agents/pfc/index.cfm (*accessed* March 9, 2022) (Attachment 30 hereto); ATSDR 2021 PFAS Toxicological Profile for Perfluoroalkyls, *supra* Note 31 at pp. 649, 670-71,755.

[42] ATSDR 2021 PFAS Toxicological Profile for Perfluoroalkyls, *supra* Note 31 at pp. 756-57.

[43] Fan Li et al., *Short-chain per- and polyfluoroalkyl substances in aquatic systems: Occurrence, impacts and treatment*, 380 CHEMICAL ENGINEERING J., at 3 (Aug. 2019) (Attachment 31 hereto), *available at* https://www.sciencedirect.com/science/article/abs/pii/S1385894719319096.

[44] *See supra* Notes 18-20 and Table 1 and Table 2, pp. 9-11 *supra*.

[45] Fan Li et al., *supra* Note 43 at p. 5.

[46] *Id.*

contamination and reduce the harm to our health and the environment." [47] Moreover, human "[e]xposure to PFAS occurs in complex mixtures of multiple PFAS, yet at present, fewer than 50 individual PFAS (often fewer than 10) are commonly measured in environmental media." [48]

III. Mount Vernon Mills' Violations of the Clean Water Act

Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source to Waters of the United States except in compliance with, among other conditions, pretreatment standards imposed by Section 307 of the Act, 33 U.S.C. § 1317. Each discharge of a pollutant that is in violation of the 33 U.S.C. § 1317 pretreatment standards, "or any condition or limitation implementing any of such sections in a permit…" including "any requirement imposed in a pretreatment program" constitutes a separate violation of the Clean Water Act. 33 U.S.C. § 1319(d). Persons in violation of these prohibitions are subject to a civil penalty not to exceed $59,973 per day for each violation. *Id.*; 40 CFR § 122.

A. The Mill's violation of federal and state pretreatment standards.

The Clean Water Act pretreatment program governs the discharge of industrial wastewater to wastewater treatment plants. These wastewater discharges to treatment plants such as the Trion WPCP are from so-called "Industrial Users," and they require permits, known as pretreatment permits. [49] The Clean Water Act pretreatment program "assures the public that [industrial] dischargers cannot contravene the [Clean Water Act's] objectives of eliminating or at least minimizing discharges of toxic and other pollutants simply by discharging indirectly through [wastewater treatment plants] rather than directly to receiving waters." [50] The pretreatment program is intended to place the burden of treating polluted discharges on those that create the pollution, rather than on taxpayers that support municipally owned wastewater treatment plants, or publicly owned treatment works (or on the general public, or on wildlife who also rely on these waters).

Mount Vernon Mills is in violation of federal and state pretreatment standards by discharging PFAS from the Trion Mill to the Trion WPCP. 33 U.S.C. § 1317(b), (d); 40 C.F.R. § 403.5(a)(1); GA. COMP. RULES AND REGS. r. 391-3-6-.06(4)(a)3. Federal law provides in

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[47] Carol F. Kwiatkowski, et al., *Scientific Basis for Managing PFAS as a Chemical Class,* Environ. Sci. & Tech. Letters 2020, 7(8), 532-543 (June 30, 2020) (hereinafter "Kwiatkowski, 2020") (Attachment 32 hereto) *available at* https://perma.cc/2CG2-WJC3.

[48] *Id.*

[49] GA. COMP. RULES AND REGS. r. 391-3-6-.08(1) (Purpose, "to provide for the degree of wastewater pretreatment required and the uniform procedures and practices to be followed relating to the application for and the issuance or revocation of pretreatment permits for the discharge of any pollutant into a publicly owned treatment works and then into waters of the State."); GA COMP. RULES & REGS. r. 391-3-6-.08(2)(q) (definition of pretreatment permit).

[50] General Pretreatment Regulations for Existing and New Sources, 52 Fed. Reg 1586, 1590 (Jan. 14, 1987) (codified at 40 C.F.R. § 403).

pertinent part that a "User shall not introduce into a POTW [such as the Trion WPCP [51]] any pollutant(s) which cause Pass Through or Interference." 40 C.F.R. § 403.5(a)(1). Georgia regulations, in turn, provide that "[a]ll pollutants shall receive such treatment or corrective action so as to ensure compliance with the terms and conditions of the issued permit and with … effluent limitations and prohibitions and pretreatment standards established by the EPA pursuant to Section 307 of the Federal [Clean Water] Act." GA. COMP. RULES AND REGS. r. 391-3-6-.06(4)(a)3.

The Mill's continuing discharge of PFAS to the Trion WPCP is causing Pass Through and Interference, in violation of the pretreatment standards imposed by the Clean Water Act, and Georgia law. 40 C.F.R. § 403.5(a)(1); 33 U.S.C. § 1317(b), (d); GA. COMP. RULES AND REGS. r. 391-3-6-.06(4)(a)3. The dates of Mount Vernon Mill's violations of the Clean Water Act and Georgia law likely occurred prior to April 25, 2018 when PFOA and PFOS were detected at a combined concentration of 83 ppt "immediately downstream of the discharge of the Trion WPCP to the Chattooga River" at Outfall 001, [52] and prior to February 5, 2020, which is the date where PFOA and PFOS contamination was reported in the Trion WPCP influent from the Mill and Effluent to the Chattooga River via Outfall 001. [53] This PFAS contamination is caused by the Mill's discharges of PFAS to the Trion WPCP, which in turn discharges to the Chattooga River via Outfall 001.

Additional dates of Mount Vernon Mills' violations are as set forth in Table 1 and Table 2 above, pp. 9–11 corresponding to PFAS discharges to the Chattooga River from WPCP Outfall 001, and PFAS discharged from Mount Vernon Mills to the WPCP on February 5, February 13, June 22, August 4, October 12, December 16, 2020, and February 24, 2021. Such violations are continuing, as Mount Vernon Mills is continuing to use PFAS in its process operations, and is continuing to discharge its wastewater to the Trion WPCP without pretreatment which would remove or destroy PFAS prior to such discharge to the WPCP.

"Pass Through" "means a Discharge which exits the [Trion WPCP] into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the [Trion WPCP's] NPDES permit (including an increase in the magnitude or duration of the violation)." 40 C.F.R. § 403.3(p). As detailed above, Mount Vernon Mills has for years, and continues, to discharge PFAS into the Trion WPCP, which discharges to the Chattooga River via WPCP's Outfall 001, in violation of Trion's NPDES permit (A true and correct copy of Coosa River Basin Initiative's April 8, 2022 Notice of Intent to Sue the Town of Trion, Georgia for violations of the Clean Water Act and RCRA is attached hereto as Attachment 33, which sets forth the reasons establishing how Mount Vernon Mill's PFAS discharges to the Trion WPCP is causing the Trion WPCP to violate numerous requirements of Trion's NPDES Permit No. GA0025607). These continuing discharges increase both the duration of the violation, and their magnitude, given that Mount Vernon Mills has undertaken no steps to cease its PFAS discharges, and in

[51] 40 C.F.R. § 403.3(q) (definition of Publicly Owned Treatment Works, or POTW).

[52] Trion 2020 Consent Order at p. 3.

[53] Trion 2020 Consent Order at p. 4.

light of the harmful physical and chemical nature of PFAS, such as its mobility and persistence in the environment once it is discharged, as well as its toxicity as detailed above. Mount Vernon Mills' PFAS discharges are a quintessential Pass Through of pollutants prohibited by the Clean Water Act.

"Interference" with a publicly owned treatment works "means a Discharge, which, alone or in conjunction with a discharge or discharges from other sources, both:" … "Inhibits or disrupts the POTW, its treatment process or operations, or its sludge processes, use or disposal; and … Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with … the Resource Conservation and Recovery Act (RCRA), and including state regulations …" 40 C.F.R. § 403.3(k).

Mount Vernon Mills has for years, and continues, to discharge PFAS into the Trion WPCP which has fundamentally inhibited and disrupted the intended function of the treatment works – which function is intended to remove and reduce pollution in compliance with the Clean Water Act and RCRA. But rather than comply with these requirements, Mount Vernon Mills has discharged and continues to discharge PFAS to the Trion WPCP, thereby extending the "duration" of the violation and increasing its "magnitude" – 40 C.F.R. § 403.3(k) – *expanding* and *worsening* the harmful polluting effects of the Trion WPCP's wastewater treatment works, by: (i) causing PFAS concentrations to continue polluting the Chattooga River and connected waters, including Weiss Lake, unabated, rather than removing PFAS pollution prior to discharging it via Outfall 001; (ii) causing PFAS concentrations to *increase* by virtue of the conventional wastewater treatment operations employed by the Trion WPCP, before PFAS discharges to the Chattooga River via Outfall 001 [54]; (iii) contaminating biosolids sludge generated by the Trion WPCP, inhibiting and disrupting Trion's sludge processes, use and disposal, for example, by no longer enabling Trion to land apply biosolids due to Mount Vernon Mills' PFAS contamination along Raccoon Creek, and requiring instead Trion to dispose of biosolids in landfills, where PFAS will continue to contaminate the receiving landfills and the environment in its landfill leachate; and (iv) violating and causing Trion to violate RCRA due to PFAS pollution discharges to the Trion WPCP and from it, via disposal of PFAS-contaminated biosolids in a manner that presents an imminent and substantial endangerment to health and the environment as further detailed in Section IV below (Mount Vernon Mills' RCRA violations). Furthermore, the Mill's PFAS discharges to the Trion WPCP is a cause of Trion's violation of its NPDES Permit No. GA0025607 and RCRA, as set forth in Coosa River Basin Initiative's April 8, 2022 Notice of Intent to Sue the Town of Trion, Georgia for violations of the Clean Water Act and RCRA, Attachment 33 hereto. Mount Vernon Mills' PFAS discharges to the Trion WPCP are therefore an Interference with the Trion WPCP treatment works.

On information and belief, Mount Vernon Mills has known, and/or has had reason to know, that its PFAS discharge to the Trion WPCP would cause Pass Through or Interference with the Trion WPCP, as the Mill has known it uses PFAS in its production operations, and discharges PFAS to the Trion WPCP, which has been consistently detected in the Mill's effluent to the WPCP and from the Trion WPCP's wastewater discharges to the Chattooga River via

[54] *See, e.g.,* Note 8 and Note 9 *supra*, and Attachment 4, Attachment 5, and Attachment 6 hereto.

Outfall 001 on the dates identified above. [55] Furthermore, as set forth in Coosa River Basin Initiative's April 8, 2022 Notice of Intent to Sue the Town of Trion, Georgia for violations of the Clean Water Act and RCRA, Attachment 33 hereto, no local limit designed to prevent such PFAS Pass Through or Interference has been developed or imposed which was designed to prevent such occurrences. Indeed, no processes, restrictions, or controls to limit, treat, or otherwise address PFAS are contained in Mount Vernon Mills' Industrial User Permit No. 001 (discussed in the immediately following section, *infra*). Consequently, no affirmative defense to the prohibitions imposed by the national pretreatment standards is available to Mount Vernon Mills. 40 C.F.R. § 403.5(a)(2).

B. The Mill is in violation of the Clean Water Act, and in violation of state and local law by virtue of violating its pretreatment permit No. 001.

As detailed above, each discharge of a pollutant that is in violation of the 33 U.S.C. § 1317 pretreatment standards imposed by the Clean Water Act, "or any condition or limitation implementing any of such sections in a permit[,]" including "any requirement imposed in a pretreatment program" is a separate violation of the Clean Water Act. 33 U.S.C. § 1319(d). These effluent limits are enforceable in citizens suits. 33 U.S.C. §§1311(a), 1365 (a)(1), (f). The Mill's wastewater discharges to the Trion WPCP are governed by the Town of Trion Industrial User Permit No. 001, issued on or about May 16, 2018, effective June 1, 2018 and expiring on or about May 31, 2022 unless further extended under Part V.E (hereinafter Mount Vernon Mill's "Industrial User Permit"). This Industrial User Permit is a condition or limitation implementing the Clean Water Act's requirements, implementing Trion's pretreatment program governing the Mill's discharges to the Trion WPCP, and is therefore enforceable in a citizen suit.

Part I.B of the Mill's Industrial User Permit provides that the Mill's "discharges shall comply with all … applicable laws, regulations, standards, and requirements contained in the Industrial User Permit and any applicable State and Federal pretreatment laws, regulations, standards, and requirements that may become effective during the term of the Permit." Mount Vernon Mills is in violation of Part I.B of its Industrial User Permit by violating the effluent limitations and prohibitions and pretreatment standards established by EPA in 33 U.S.C. § 1317(b), (d), 40 C.F.R. § 403.5(a)(1) and Ga. Comp. Rules and Regs. r. 391-3-6-.06(4)(a)3, which prohibit Pass Through and Interference, both of which have occurred and are continuing to occur, as detailed above at pp. 17–20 of this letter.

Furthermore, the Mill is in violation of Trion's Industrial Pretreatment Ordinance, Trion's Sewer Use Ordinance and the Georgia Water Quality Control Act arising from its discharge of PFAS to the Trion WPCP and to the Chattooga River via Outfall 001.

1. The Mill's violations of Trion's Industrial Pretreatment Ordinance.

Trion's Industrial Pretreatment ordinance at Division 7, Sec. 62-231 provides:

The Clean Water Act of 1977 (Public Law 95-217) governs industrial discharge, and specific rules for industrial pretreatment are contained in Pretreatment

[55] *See also* discussion Note 8 and Attachment 4 hereto.

> Regulation (40 CFR 403), as issued by the U.S. Environmental Protection Agency. Industrial Users will be required to cooperate with the Town in complying with the federal regulations. The Town Industrial User Ordinance is attached as Appendix C.

Trion's Industrial User Ordinance, in turn, contains prohibitions on Pass Through of toxic chemicals, such as PFAS, and Part I.B. of the Industrial User Permit incorporates the effluent limitations and prohibitions and pretreatment standards imposed by 40 CFR 403, including 40 C.F.R. § 403.5(a)(1), which prohibits both Pass Through and Interference with the Trion WPCP. Mount Vernon Mills is in violation of Part I.B. of its Industrial User Permit, and in turn the Clean Water Act, by virtue of its PFAS discharges to the Trion WPCP and the WPCP's PFAS discharges to the Chattooga River via Outfall 001, which entail prohibited Pass Through and Interference, as detailed above pp. 18–19. The dates of such violations are detailed at pp. 9–11 of this letter, corresponding to the dates that Mount Vernon Mills discharges PFAS to the Trion WPCP and the dates when PFAS pass through the WPCP and discharge to the Chattooga River from Outfall 001 and interfere with the WPCP's operations. The Mill has failed to pretreat its PFAS industrial waste to cease its PFAS discharges to the WPCP and has failed to cooperate with Trion in order to do so, and therefore these violations are continuing.

2. The Mill's violations of Trion's Sewer Use Ordinance.

Trion's Sewer Use Ordinance is contained in the Industrial User Permit, *e.g.*, Part III.F.2., which in turn at Sec. 62-213(8) prohibits the discharge into the sewer system of:

> Any waters or wastes containing chemical residues, textile fibers, toxic materials or other industrial byproduct in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

Additionally, Part III.F.1 of the Industrial User Permit provides that that the Mill "shall take all reasonable steps to correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit."

Mount Vernon Mills is in violation of Part III.F.1 and Part III.F.2 of its Industrial User Permit, and in turn the Clean Water Act, and those violations are continuing. As detailed above, the Mill is and has been discharging PFAS to the Trion WPCP, which is discharging to the Chattooga River via Outfall 001. This effluent discharge is contaminating the Chattooga River watershed and downstream waters, including Weiss Lake, which serve as the drinking water source for numerous communities as detailed above. The Mill's PFAS discharges therefore consist of a discharge into Trion's sewer system of "wastes containing chemical residues … toxic materials, or [the result of] other industrial treatment process" that "constitute a hazard to humans or animals, or create[s] a hazard in the receiving waters of the sewage treatment plant" in violation of the Mill's permit Part III.F.2 and Sec. 62-213(8) of the Sewer Use Ordinance. The Mill's PFAS discharges likewise injure and interfere with the Trion WPCP sewage treatment process, as detailed above at pp. 19–20 (Interference in violation of 40 C.F.R. § 403.3(k)), which is a separate violation of the Industrial User Permit. The Mill's failure to pretreat its PFAS industrial waste to remove it, likewise, renders this violation continuing.

Mount Vernon Mills has taken no steps to correct its continual discharge of PFAS to the Trion WPCP, which in turn is contaminating sludge, (*see, e.g.* Table 3 pp. 23–24 *infra*), that has been land applied in the region for decades and is still contaminating the region as detailed at pp. 7–13 of this letter. The Mill's continuing PFAS discharges are also causing the WPCP to discharge PFAS to the Chattooga River at Outfall 001, as established by the data detailed in Table 1 and Table 2 above and extensive agency environmental investigations and data detailed at pp. 7–13 *supra*. Trion's continuing and unabated PFAS contamination is inflicting "adverse impacts to the public treatment plant or the environment" which the Industrial User Permit requires the Mill to "take all reasonable steps to correct" under Part III.F.1. Yet, the Mill has taken *no* such steps, much less reasonable ones, to cease and correct the situation. Rather, the Mill is continuing to discharge PFAS to the WPCP, has failed to implement pretreatment measures to cease those discharges, and has taken no steps to remediate the environment from its decades of PFAS contamination. These failures are a separate, continuing violation of its Industrial User Permit and the Clean Water Act as of each date that the Mill fails to act to cease the discharge of "chemical residues, textile fibers, toxic materials or other industrial byproducts in sufficient quantity to injure or interfere with any sewage treatment process" and which constitutes "a hazard to humans or animals or create any hazard in the receiving waters" of the Trion WPCP. Pretreatment Permit Part III.F.2.; Trion Sewer Use Ordinance, Sec. 62-213(8); 33 U.S.C. §§1311(a), 1319(d); 1365 (a)(1), (f).

IV. Mount Vernon Mill's Violations of the Resource Conservation and Recovery Act

The Mill is violating RCRA by causing harmful, environmentally persistent, and toxic PFAS pollution to contaminate groundwater and enter surface waters from Trion's land application of sludge contaminated by the Mill's PFAS at sites along Teloga Creek, Racoon Creek and Hinton Creek in a manner that may present an imminent and substantial endangerment to health and the environment.

As set forth above at pp. 7–13, environmental sampling confirms substantial PFAS contamination in the Teloga Creek, Racoon Creek, and Hinton Creek watersheds corresponding to Trion's land application of biosolids from the WPCP contaminated by the Mill's PFAS discharges to the WPCP (*e.g.,* Figure 2, *supra* at p. 13 of this letter). Sampling of the WPCP biosolids sludge on February 20, 2020 "showed 3900 [nanograms per kilogram, or parts per trillion/ppt] 4000 ng/gk and 4300 ng/kg (three samples) for PFOA and 230,000 ng/kg, 240,000 ng/kg and 250,000 ng/kg PFOS (three samples)…" [56] Furthermore, sampling data collected from February 2020 to December 2020 confirms that heavily contaminated sludge continues to be generated by the WPCP from the Mill's PFAS influent, with concentrations including, but not limited to the following:

[see next page]

[56] Trion 2020 Consent Order at p. 4 *supra* Note 11 (Attachment 8 hereto).

Table 3	
Date (Sludge biosolids)	**Total PFAS concentration** [57] (nanograms per kilogram dry, or parts per trillion (ppt))
February 5, 2020 [58]	490,100 ppt
February 13, 2020 [59]	408,000 ppt (PFOA, PFOS only) 331,000 ppt (PFOA, PFOS only) 363,000 ppt (PFOA, PFOS only) 366,000 ppt (PFOA, PFOS only)
June 22, 2020 [60]	1,326,294 ppt
August 4, 2020 [61]	1,417,370 ppt
October 12, 2020 [62]	1,641,470 ppt

[57] PFAS concentrations correspond to analytical data reported without a "U" or other lab analytical data qualifier, rounded to nearest whole number, other than "Q" qualifier, which represents the limit of quantitation; the actual reported total PFAS data in cited reports are higher when including data featuring qualifiers. Reported PFAS compounds include, but are not limited to, PFOA, PFOS, FOSA, N-MeFOSAA, PFBA, PFDS, PFHpA, PFHxA, PFHxS, PFHpA, PFHpS, PFUnDA, PFDoDA, PFTrDA, PFTeDA, PFNA, PFDA, PFUdA, PFPeA, PFPeS, PFHpS, PFOSA, N-EtFOSAA, N-MeFOSAA, PFPeA, PFHxA, 8:2 FTS, or some combination of the foregoing as detailed in the cited sample analytical reports, in addition to other PFAS compounds.

[58] Trion PFAS Analytical Results Feb. 5, 2020 at pp. 9-10 (Belt Press 1) (Attachment 15 hereto).

[59] Trion PFAS Analytical Results Feb. 13, 2020 at pp. 11-14 (Sludge Press 1, Sludge Press 1 duplicate, Sludge Press 2 duplicate samples) (Attachment 16 hereto) (results converted from micrograms per kilogram (µg/kg) to nanograms per kilogram (ng/kg)).

[60] Trion PFAS Analytical Results June 22, 2020 at pp. 17-18 (Sludge) (Attachment 17 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

[61] Trion PFAS Analytical Results August 4, 2020 at pp. 17-18 (Sludge) (Attachment 18 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

[62] Trion PFAS Analytical Results October 12, 2020 at pp. 18-19 (Sludge) (Attachment 19 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

Table 3	
Date (Sludge biosolids)	**Total PFAS concentration** [57] (nanograms per kilogram dry, or parts per trillion (ppt))
December 16, 2020 [63]	1,160,980 ppt
February 24, 2021 [64]	758,000 ppt

This data establishes the dates of Mount Vernon Mills' violations of RCRA which likely occurred at least prior to the dates of the Mills' contamination of sludge generated by the WPCP as reported in these sample results, on the dates where contaminated sludge was land applied in the Raccoon Creek, Teloga Creek, and Hinton Creek watersheds, and on the dates where PFAS contamination leached out of these biosolids, which may present an imminent and substantial endangerment to health and the environment. Trion has been land applying biosolids from the WPCP in the region for several years, and Mount Vernon Mills has been discharging PFAS to the Trion WPCP for just as long.

As extensive EPA and EPD investigations in the region confirms, (*See* discussion pp. 7–13 *supra*), land application of this contaminated sludge continues to contaminate groundwater and continues to discharge to surface waters, including the Chattooga River and its tributaries, as well as Weiss Lake, and the Coosa River that flows from it through Alabama. The Trion WPCP continues to generate this heavily contaminated sludge in its wastewater treatment operations, which will in turn contaminate any receiving landfills with PFAS as leachate.

A. The Mill's actions may present an imminent and substantial endangerment to health and the environment

Section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B), allows affected citizens to bring suit against:

> any person, … including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage or disposal facility, who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment.

The term "solid waste" means "any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, … and other discarded material, including solid, liquid, semisolid,

[63] Trion PFAS Analytical Results December 16, 2020 at p. 16 (Sludge) (Attachment 20 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

[64] Trion PFAS Analytical Results February 24, 2021 at p. 17 (Sludge) (Attachment 21 hereto) (results converted from nanograms per gram (ng/g) to nanograms per kilogram (ng/kg)).

… from industrial, commercial, mining, and agricultural operations, and from community activities, …". [65] The meaning of "discard" is "'cast aside; reject; abandon; give up.'" [66] RCRA defines disposal as "the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water." 42 U.S.C. § 6903(3). By Trion's land-application of wastewater treatment sludge biosolids contaminated by Mount Vernon Mill's PFAS-laden industrial wastewater, the Mill is a generator, transporter and/or owner that has contributed to the past or present handling, storage, treatment, transportation and/or disposal of a solid waste in a manner which may create an imminent and substantial endangerment to health or the environment, as detailed above.

Indeed, a substantial proportion of the PFAS contamination of Weiss Lake is attributed to the Chattooga River and the Trion WPCP's biosolids land application sites loaded with the Mill's PFAS contamination, as set forth above pp. 11–12. These concentrations far exceed applicable 2021 Minimal Risk Levels established by the ATSDR, [67] with surface water concentrations reported in multiple locations exceeding those MRLs. For instance, surface water samples collected by EPA in Teloga Creek at a location downstream of the Trion WPCP's biosolids land application has reported PFOA and PFOS at 200 ppt, and total PFAS at 5,840 ppt. [68] Furthermore, EPA concluded, based on its extensive environmental sampling and analysis, that the Chattooga River is contaminating Weiss Lake with "[t]he *highest concentration* of total PFAS and the *most diverse composition*…" as compared with the Coosa River, which also flows to Weiss Lake. [69] As discussed above at pp.14–17, PFAS are dangerous industrial chemicals that are highly persistent in the environment, meaning that the Mill's and Trion's continuing PFAS contamination worsens over time as these industrial toxins continue to spread and accumulate in the environment. The Mill's ongoing and past generation, treatment, handling, storage, transportation, and disposal of PFAS contaminated sludge through land application is polluting the land, groundwater, and surface water and is contaminating the drinking water source of downstream populations, as well as contaminating the aquatic ecosystem, where fish are exposed to PFAS, which in turn places people who may catch and consume those fish at risk.

The Mill's mishandling of these wastestreams and failure to prevent them from continuing as set forth above may present an imminent and substantial endangerment to health and the environment, with each and every continuing PFAS release to the environment from land disposal activities in the Chattooga River watershed.

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[65] 42 U.S.C. § 6903(27).

[66] *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1041 (9th Cir. 2004) (citation omitted); *see also Am. Mining Cong. v. EPA*, 824 F.2d 1177, 1184 (D.C. Cir. 1987) (defining "discarded" as "'disposed of,' 'thrown away' or 'abandoned'") (citation omitted).

[67] *See* discussion *supra*, pp. 14–15.

[68] *See* EPA 2020 Chattooga PFAS Report at pp. 14-15, 26 (Figure 2, sample locations TEC01 (Teloga Creek surface sample location)) (Attachment 7 hereto); *see* discussion, *supra*, pp. 11-13 (and Figure 2).

[69] EPA 2019 Weiss Lake PFAS Report at p. 17 *supra*, Note 15 (Attachment 14 hereto).

V. Persons Responsible for Violations

Mount Vernon Mills, Inc. owns and operates the industrial facility discharging PFAS pollutants to the Town of Trion Water Pollution Control Plant in Trion Georgia, subject to and further identified in Industrial User Permit No. 001 dated on or about May 16, 2018, which is causing PFAS to discharge to the Chattooga River via Outfall 001 of the Trion WPCP; Mount Vernon Mills has caused and contributed to contamination arising from land application of PFAS-contaminated biosolids generated by the Trion WPCP in the Chattooga River watershed for years, and since at least prior to the dates where PFAS were identified in the Trion 2020 Consent Order attributed to such sludge land-application. Pursuant to 40 C.F.R. § 135.3 and 40 C.F.R. § 254.3, Mount Vernon Mills is identified as the person responsible [70] for all violations described in this letter.

VI. Persons Giving Notice

In accordance with 40 C.F.R. § 135.3 and 40 C.F.R. § 254.3, Coosa River Basin Initiative provides the names, addresses and telephone numbers of the persons giving notice of intent to sue.

Coosa River Basin Initiative
5 Broad Street
Rome, GA 30161
(706) 232-2724

Coosa River Basin Initiative is a non-profit corporation organized under the State of Georgia that seeks to protect, preserve, and restore one of North America's most biologically diverse river systems, the Coosa River Basin, including the Chattooga River and Weiss Lake. Coosa River Basin Initiative achieves these purposes and objectives through education, advocacy, monitoring, public engagement, social events, sampling, pollution prevention measures, and seeking redress in the courts where reasonably necessary. Coosa River Basin Initiative is a member organization with more than 500 members, including individuals, families, and businesses – many of whom live and work, swim, fish, boat, recreate, and engage in social events in, near, and on the Chattooga River and connected waters, including Weiss Lake downstream from Trion's pollution. These members are harmed by Trion's Clean Water Act and Resource Conservation and Recovery Act violations and the ongoing harms that will occur unless and until Mount Vernon Mills takes action to cease these harms.

The Southern Environmental Law Center is legal counsel for Coosa River Basin Initiative in this matter. Any response or correspondence related to this letter should be directed to the Southern Environmental Law Center at the address and/or telephone number below.

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[70] Under both the Clean Water Act, and the Resource Conservation and Recovery Act, the term "person" includes a corporation, partnership, or association. 33 U.S.C. § 1362(5); 42 U.S.C. § 6903(15).

VII. Legal Counsel

Pursuant to 40 C.F.R. § 135.3 and 40 C.F.R. § 254.3, the following legal counsel, who will be representing Coosa River Basin Initiative, are identified:

Christopher J. Bowers
Hutton Brown
Bob Sherrier
Southern Environmental Law Center
Ten 10th Street N.W.
Suite 1050
Atlanta, GA 30309
(404) 521-9900
cbowers@selcga.org
hbrown@selcga.org
bsherrier@selcga.org

VIII. Notice of intent to sue

As set forth in this letter, Mount Vernon Mills has been, and continues to be in violation of the Clean Water Act by discharging PFAS to the Trion Water Pollution Control Plant in violation of federal and state pretreatment requirements and requirements and prohibitions imposed on it by the Mill's Industrial User Permit, and Trion's Industrial Pretreatment Ordinance, and Sewer Use Regulations. The Mill's actions described above may present an imminent and substantial endangerment to health or the environment, in violation of the Resource Conservation and Recovery Act. A civil action under section 505 of the Clean Water Act and section 6972 of RCRA will be initiated against Mount Vernon Mills once applicable notice periods have expired or soon thereafter unless the violations described above are fully redressed.

If litigation is necessary, Coosa River Basin Initiative will seek redress for the violations described in this letter, including injunctive relief, litigation costs, and expert fees and attorneys' fees and expenses under U.S.C.§§ 1365(a) and (d), 42 U.S.C. §§ 6972(a)(1)(B), 6972(e). Coosa River Basin Initiative will also seek civil penalties to the maximum extent allowable by law under 40 C.F.R. § 19.4 not to exceed $59,973 per day per violation of the Clean Water Act under 33 U.S.C. § 1319(d) and 40 CFR § 122, and civil penalties not to exceed $81,540 per day per violation of the Resource Conservation and Recovery Act under 42 U.S.C. 6928(g).

Coosa River Basin Initiative reserves the right to add additional claims to the specific Clean Water Act and RCRA violations set forth above based on the same or similar patterns of conduct. Coosa River Basin Initiative also reserves the right to seek additional remedies under state and federal law and does not intend, by giving this notice, to waive any other rights or remedies.

During the relevant notice period, Coosa River Basin Initiative is willing to discuss effective remedies for the violations detailed in this letter. If you wish to pursue negotiations in

the absence of litigation, you should initiate such negotiations within the applicable notice period soon enough so that they can be completed, and the violations ceased, prior to the date that the notice periods elapse.

Thank you for your attention to this matter.

Sincerely,

Christopher J. Bowers

Hutton Brown

Bob Sherrier

Southern Environmental Law Center
Ten 10th Street NW
Suite 1050
Atlanta, GA 30309

Enclosures – USB flash drive (containing Attachments, and a PDF of this letter featuring Internet links enabling access to the referenced Attachments and other Footnoted materials)

CC: *(via certified mail, with enclosed USB flash drive containing Attachments and a PDF of this letter):*

Michael S. Regan
Administrator
U.S. Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Mr. Daniel Blackman
Regional Administrator
U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Mail Code 9T25
Atlanta, GA 30303-3104

Merrick Garland
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 30530-0001

Richard E. Dunn
Director
Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive
Suite 1456, East Tower
Atlanta, GA 30334-90000

Anna Truszczynski
Chief
Watershed Protection Branch
Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive
Suite 1152 East Tower
Atlanta, GA 30334-9000

(via email only, william.droze@troutman.com*, without enclosures):*

William M. Droze, Esq.
Troutman Pepper Hamilton Sanders LLP
3000 Bank of America Plaza
600 Peachtree Street N.E.
Atlanta, GA 30308

Attachments	
1.	Frank Sargeant, "Prime Time for Weiss Lake crappie," The Huntsville Times (Dec. 2, 2012), *available at* https://www.al.com/sports/2012/12/prime_time_for_weiss_lake_crap.html
2.	Welcome to Weiss Lake Improvement Association!, *available at* https://weisslakeimprovementassociation.org/
3.	Town of Trion Water Pollution Control Plant Process Description
4.	July 13, 2020 email from R. Beegle, Corporate Director of Environmental Affairs, Mount Vernon Mills, to A. Melton, Superintendent, Town of Trion WPCP, *Re: Town of Trion WPCP PFAS Results*
5.	Melissa M. Schultz, *et al.*, *Fluorochemical mass flows in a municipal wastewater treatment facility,* 40 Environmental Sci. & Tech. 7350–57 (December 1, 2006) *available at* https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2556954/
6.	July 13, 2020 email from Elizabeth Booth, Georgia Department of Natural Resources, to Anna Truszczynski, Lewis Hayes, James Capp, Georgia Department of Natural Resources re "Town of Trion 6-22-20 PFAS Results"
7.	EPA, LSASD Project ID: 20-0018, CHARACTERIZATION OF AMBIENT PFAS IN THE CHATTOOGA RIVER WATERSHED – FINAL REPORT (Jan. 22, 2020) ("**EPA 2020 Chattooga PFAS Report**")
8.	April 13, 2020 Consent Order No. EPD-WP-8894 among Town of Trion, Georgia and Richard E. Dunn, Director of the Environmental Protection Division, Georgia Department of Natural Resources ("**Trion 2020 Consent Order**")
9.	EPA, Unregulated Contaminants Monitoring Rule 3 ("UCMR3") (2013-2015) Occurrence Data, UCMR3 Data Summary, *available at* https://www.epa.gov/dwucmr/data-summary-third-unregulated-contaminant-monitoring-rule
10.	Instructions for Importing and Viewing UCMR3 Results, *available at* https://www.epa.gov/dwucmr/instructions-using-microsoft-excel-import-third-unregulated-contaminant-monitoring-rule-ucmr)
11.	UCMR3 Occurrence Data By State (January 2017), *available at* https://www.epa.gov/sites/default/files/2017-02/ucmr-3-occurrence-data-by-state.zip
12.	UCMR3 Occurrence Data by Method Classification, *available at* https://www.epa.gov/sites/default/files/2017-02/ucmr-3-occurrence-data-by-method-classification.zip
13.	EPA, National Contaminant Occurrence Database ("NCOD"), *available at* https://www.epa.gov/sdwa/national-contaminant-occurrence-database-ncod
14.	EPA, LSASD Project ID: 19-0253 FINAL REPORT – PHASE 2: PRIORITIZATION OF PFAS CONTRIBUTIONS TO WEISS LAKE (Sept. 10, 2019) ("**EPA 2019 Weiss Lake PFAS Report**")
15.	Jason Collum, Memorandum February 20, 2020, EPA, Region 4 Laboratory Services and Applied Science Division, Project 20-0189, Trion Wastewater EPD PFAS, reporting samples collected February 5, 2020 ("Trion PFAS Analytical Results Feb. 5, 2020")

Attachments	
16.	Pace Analytical, February 19, 2020 Report of Analysis, Town of Trion WPCP, Lot No. VB14013, reporting samples collected February 13, 2020 ("Trion PFAS Analytical Results Feb. 13, 2020")
17.	Enthalpy Analytical, LLC – Ultratrace, July 9, 2020 Analytical Report 0620-756, Town of Trion WWTP samples received 06/23/20, reporting samples collected June 22, 2020 ("Trion PFAS Analytical Results June 22, 2020")
18.	Enthalpy Analytical, LLC – Ultratrace, August 24, 2020 Analytical Report 0820-703, Town of Trion WWTP samples received 08/05/20, reporting samples collected August 4, 2020 ("Trion PFAS Analytical Results August 4, 2020")
19.	Enthalpy Analytical, LLC – Ultratrace, October 29, 2020 Analytical Report 1020-725, Town of Trion WWTP samples received 10/13/20, reporting samples collected October 12, 2020 ("Trion PFAS Analytical Results October 12, 2020")
20.	Enthalpy Analytical, LLC – Ultratrace, January 8, 2021 Analytical Report 1220-737, Town of Trion WWTP samples received 12/17/20, reporting samples collected December 16, 2020 ("Trion PFAS Analytical Results December 16, 2020")
21.	Enthalpy Analytical, LLC – Ultratrace, March 11, 2021 Analytical Report 0221-759, Town of Trion WWTP samples received 02/25/21, reporting samples collected February 24, 2021 ("Trion PFAS Analytical Results February 24, 2021")
22.	EPA, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, *available at* https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas
23.	Arlene Blum et al., *The Madrid Statement on Poly- and Perfluoroalkyl Substances (PFASs)*, 123 ENVTL. HEALTH PERSPECTIVES 5 (2015) ("The Madrid Statement")
24.	EPA, *Fact Sheet: PFOA & PFOS Drinking Water Health Advisories* (Nov. 2016), *available at* https://www.epa.gov/sites/default/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf
25.	U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry ("ATSDR"), Toxicological Profile for Perfluoroalkyls (May 2021) (hereinafter "**ATSDR 2021 PFAS Toxicological Profile"),** *available at* https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf
26.	Haihua Huang et al., *Toxicity, Uptake Kinetics and Behavior Assessment in Zebrafish Embryos Following Exposure to Perfluorooctanesulphonicacid (PFOS)*, 98 AQUATIC TOXICOLOGY 139–147 (2010), *available at* https://perma.cc/YVQ6-7QXG
27.	Gerald T. Ankley et al., *Partial Life-Cycle Toxicity and Bioconcentration Modeling of Perfluorooctanesulfonate in the Northern Leopard Frog (Rana Pipiens)*, 23 ENVIRON. TOXICOLOGY & CHEM. 2745–2755 (2004), *available at* https://pubmed.ncbi.nlm.nih.gov/15559291/
28.	Changhui Liu et al., *Oxidative Toxicity of Perfluorinated Chemicals in Green Mussel and Bioaccumulation Factor Dependent Quantitative Structure-Activity Relationship*, 33 ENVIRON. TOXICOLOGY & CHEM. 2323–2332 (2014), *available at* https://pubmed.ncbi.nlm.nih.gov/24995545/

Attachments	
29.	Guang-hua Lu et al., *Toxicity of Perfluorononanoic Acid and Perfluorooctane Sulfonate to Daphnia magna*, 8(1) WATER SCIENCE & ENGINEERING 40–48 (2015), *available at* https://perma.cc/SM6P-CKKH
30.	U.S. National Institute of Health ("NIH"), *Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), available at* https://www.niehs.nih.gov/health/topics/agents/pfc/index.cfm
31.	Fan Li et al., *Short-chain per- and polyfluoroalkyl substances in aquatic systems: Occurrence, impacts and treatment*, 380 CHEMICAL ENGINEERING J., (Aug. 2019), *available at* https://www.sciencedirect.com/science/article/abs/pii/S1385894719319096
32.	Carol F. Kwiatkowski, et al., *Scientific Basis for Managing PFAS as a Chemical Class,* Environ. Sci. & Tech. Letters 2020, 7(8), 532-543 (June 30, 2020), *available at* https://perma.cc/2CG2-WJC3
33.	Coosa River Basin Initiative's April 8, 2022 Notice of Intent to Sue the Town of Trion, Georgia for violations of the Clean Water Act and RCRA

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attn: Mr. John F. Lee Niedrach
Registered Agent
Mount Vernon Mills, Inc.
111 Bridgepoint Plaza, Suite 300
Rome, GA 30161

9590 9402 5889 0049 0253 49

2. Article Number *(Transfer from service label)*

7019 0140 0000 9018 3960

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X Brooke Turner ☐ Agent ☐ Addressee

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C. Date of Delivery 4-11-22

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attn: Mr. Bill Sabo
Plant Manager
Mount Vernon Mills, Inc.
91 Fourth St. P.O. Box 7
Trion, GA 30753

9590 9402 5889 0049 0253 56

2. Article Number *(Transfer from service label)*

7019 0140 0000 9018 4554

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Jeff Agent ☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery 4/12/22

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If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Adult Signature
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- ☐ Collect on Delivery
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- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
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